



#13

Pocket No. 003252-052961

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: George Brainard
Serial No.: 09/853,428
Filed: May 10, 2001
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

Group: 3739
Examiner: Roy Dean Gibson

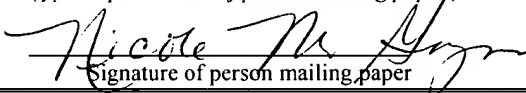
CERTIFICATE OF MAILING (37 C.F.R. SECTION 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

9/22/2003
Date

Nicole M. Gignac

(type or print name of person mailing paper)


Signature of person mailing paper

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Derek L. Woods, Petitions Attorney
Office of Petitions

RENEWED PETITION UNDER 37 CFR 1.137

Further to the Decision of a Petition mailed July 31, 2003, the undersigned submits the following:

1. An executed statement by Anthony Rowan, Thomas Jefferson University, the assignee of the application, indicating that he has reviewed the physical file of the above-identified application that was kept in the Thomas Jefferson Office of Technology Transfer. Mr. Rowan goes on to state that the Office Action mailed June 6, 2003 is not in this file and that if the Office Action had been received, it would have been placed in this file.
2. A copy of the complete file is attached to Mr. Rowan's statement as Exhibit A.

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SEP 26 2003

OFFICE OF PETITIONS

Applicants: George Brainard
Serial No.: 09/853,428
Filed: May 10, 2001
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

Group: 3739
Examiner: Roy Dean Gibson

The undersigned believes that this satisfies requirements set forth in Attorney Woods' July 31, 2003 decision. Accordingly, Applicants respectfully request that the petition be granted.

Authorization is hereby given to charge any fees associated with this submission to the NIXON PEABODY LLP Deposit Account No. 50-0850.

Date: 9/22/03

Customer No.: 26770

Respectfully submitted,



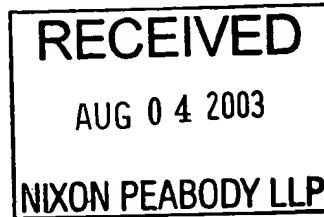
David S. Resnick (Reg. No. 34,235)
NIXON PEABODY LLP
101 Federal Street
Boston, MA 02110
(617) 345-6057



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

DAVID S. RESNICK
NIXON PEABODY LLP
101 FEDERAL STREET
BOSTON MA 02110



Paper No. 13

COPY

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JUL 31 2003

OFFICE OF PETITIONS

In re Application of :
George Brainard :
Application No. 09/853,428 :
Filed: May 10, 2001 :
Attorney Docket No. :
BRA01-NP002 :

This is a decision on the Further Petition filed July 9, 2003, to revive the above-identified application, which is being treated as a Request for Reconsideration of Petition under 37 CFR 1.137(a). Petitioner requests revival based upon an unintentional delay in responding to the Office action under 37 CFR 1.137(a). A three (3) month extension-of-time is requested and is hereby granted.

The petition under is dismissed.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed June 6, 2002. The Office action set a three (3) month period for reply. No extensions of time having been obtained under 37 CFR 1.136(a), this application became abandoned on September 7, 2002. A Notice of Abandonment was mailed on December 10, 2002.

A petition was filed on January 21, 2003, wherein Petitioner asserted that the delay was unavoidable because Petitioner has not received the June 6, 2002, Office action. That petition was dismissed in a Decision mailed February 4, 2003, for failing to meet the requirements of a grantable petition under 37 CFR 1.137(a).

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OFFICE OF PETITIONS

The instant petition states that Petitioner was not responsible for this application at the mailing of the Office action on June 6, 2002, but that the file was transferred from Thomas Jefferson University in August 2002 to Petitioner. Petitioner includes an unexecuted statement from a representative of the assignee at the time of the mailing of the June 6, 2002 Office action, Anthony Rowan of Thomas Jefferson University. Petitioner asserts that an executed copy will follow under separate cover. The unexecuted statement avers that Mr. Rowan has reviewed the file of this application "that is in our office; The Office action mailed June 6, 2002 is not in the file;". *Statement from Anthony Rowan at p.1.*

As iterated in the Decision dismissing petition, mailed February 4, 2003, an allegation that an Office action was not received may be considered as a petition for the withdrawal of the holding of abandonment. If the allegation is adequately supported, the petition may be granted and a new Office action mailed. The showing required to establish non-receipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.

2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Accordingly, the statement from Mr. Rowan must be executed, and a copy of the docket record (or file jacket) where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. This copy must come from Thomas Jefferson University.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

Application No. 09/853,428

Page 3

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.



Derek L. Woods
Petitions Attorney
Office of Petitions



Docket No. 003252-052961

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: George Brainard
Serial No.: 09/853,428
Filed: May 10, 2001
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

Group: 3739
Examiner: Roy Dean Gibson

CERTIFICATE OF MAILING	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being mailed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Date 9/22/2003	Nicole M. Gignac (type or print name of person mailing paper)
	 Signature of person mailing paper

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FROM ANTHONY ROWAN

I, Anthony Rowan, state as follows:

1. I am a licensing assistant in the Office of Technology Transfer at Thomas Jefferson University, the assignee of the above-identified application;
2. I have reviewed the physical file of the above-identified application that is in our office, a copy of which is attached as Exhibit A. The Office Action mailed June 6, 2002 is not in this file. If the Office Action had been received, it would have been placed in this file.
3. The computer records relating to this application are not accessible to our office;

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SEP 26 2003

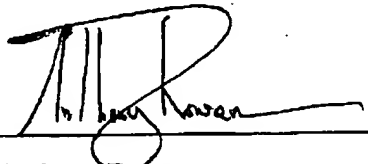
OFFICE OF PETITIONS

Applicants: George Brainard
Serial No.: 09/853,428
Filed: May 10, 2001
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

Group: 3739
Examiner: Roy Dean Gibson

4. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patents issuing thereon.

Date: 9/22/03



Anthony Rowan

OTT-3293



FILING RECEIPT



OC00000005292554

UNITED STATES DEPARTMENT OF
COMMERCE
Patent and Trademark OfficeAddress: ASSISTANT SECRETARY AND
COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
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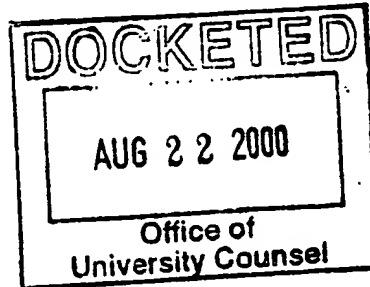
60/203,308

05/10/2000

150

BRA01-P0002

Clifford Kent Weber
Thomas Jefferson University
1020 Walnut Street Suite 620
Philadelphia, PA 19107



CONFIDENTIAL
COPY

Date Mailed: 08/03/2000

Receipt is acknowledged of this provisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

George Brainard, Haddonfield, NJ

Continuing Data as Claimed by Applicant

Foreign Applications

If Required, Foreign Filing License Granted 08/02/2000

Title

Light system, meter system, and materials for stimulating circadian and neuroendocrine systems

Preliminary Class

Data entry by : LOVELACE, TYWANA

Team : OIPE

Date: 08/03/2000



LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents
Office of Initial Patent Examination
Customer Service Center
Washington, DC 20231



Thomas
Jefferson
University



Office of University Counsel

OTI-3317
1020 Walnut Street
Philadelphia, PA 19107-5587

215-955-8585
Fax: 215-923-3613

August 29, 2000

**CONFIDENTIAL
COPY**

George C. Brainard, Ph.D.
Department of Neurology
1025 Walnut St. Suite 310
Philadelphia, PA 19107

RE: U.S. Provisional Patent Appln. entitled "A new Photoreceptor System for Melatonin Regulation."

Filed: August 28, 2000

Inventors: BRAINARD, George C.

Ref. No.: BRA01-P0003

Dear Dr. Brainard:

Enclosed for your records, please find a copy of the above-referenced provisional patent application and the Provisional Application for Patent Cover Sheet as filed with the United States Patent & Trademark Office on **August 28, 2000**. I will continue to keep you advised of further developments as they occur with regard to this Application.

Under the U.S. patent laws, a U.S. patent will not result from a U.S. provisional patent application unless a corresponding U.S. non-provisional patent application is filed within one year from the filing date of the provisional patent application. A non-provisional patent application may properly claim priority from the above-referenced provisional application only for the embodiment or subject matter of the invention disclosed therein.

The filing of a provisional application also begins the one-year period established by the Paris Convention for filing corresponding foreign patent applications in member countries. Accordingly, both a non-provisional U.S. patent application and corresponding foreign patent applications must be filed by the end of the one-year period to claim Paris Convention priority based on the filing date of the provisional application.

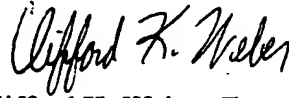
In this case, the one-year anniversary falls on Tuesday, **August 28, 2001**, marking the deadline for filing a U.S. non-provisional application, as well as any filing to be made under the Patent Cooperation Treaty (PCT). I will be contacting you well in advance of this deadline to put your application into condition for filing the appropriate applications and to prepare all documents necessary for each filing.

In the meantime, please keep me advised as to any new developments with respect to this technology (i.e., laboratory data, clinical trials or material transfers). Also, you should keep me updated with respect to anything drafted, compiled, written, or sent

for the purpose of a presentation or publication that incorporates new information, so that patent rights can be secured by filing a second provisional patent application.

If you have any questions or concerns, feel free to contact me at ext. 3-0757. I look forward to working with you on this patent matter.

Sincerely,



Clifford K. Weber, Esq.
Assistant Counsel, Intellectual Property

CKW/kaw
Enclosure

cc: Abram Goldfinger, MBA
Alan B. Kelly, Esq., University Counsel



Clifford K. Weber, Esq.
Office of University Counsel
Thomas Jefferson University
1020 Walnut Street, Suite 626
Philadelphia, PA 19107

Please return this card, indicating receipt date and Serial No., if applicable, to the following:

Applicant(s): Thomas Jefferson University

Inventor(s): George C. Brainard

Title: A NEW PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION

Serial No.:

Filing Date: August 28, 2000

Docket No.: BRA01-P0003

1. Certificate of Express Mail
2. Transmittal Letter
3. Provisional application
4. Specification
5. Small Entity Statement
6. Return Receipt Post Card

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OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.: BRA01-P0003

TITLE: **A NEW PHOTORECEPTOR SYSTEM FOR MELATONIN
REGULATION**

INVENTORS: **BRAINARD, George**

"Express Mail" Label No. **EE 388 354 145 US**

Date of Deposit – **August 28, 2000**

I hereby certify that this paper is being deposited with
the United States Postal Service "Express Mail Post Office
to Addressee" service under 37 CFR 1.10 on the date
indicated above and is addressed to the Commissioner of
Patents and Trademarks, Washington, D.C. 20231.

By

Clifford Kent Weber

Typed Name: **CLIFFORD KENT WEBER**

Box Provisional Patent Application
Commissioner of Patents & Trademarks
Washington, DC 20231

Sir:

PROVISIONAL APPLICATION TRANSMITTAL LETTER

Transmitted herewith for filing, please find the following:

(XX) Specification containing 4 pages.

(XX) Transmittal Form

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SEP 26 2003


OFFICE OF PETITIONS

(XX) Provisional Application Cover Sheet

(XX) Fee Transmittal

(XX) Small Entity Statement

Respectfully submitted,

A handwritten signature in black ink that reads "Clifford Kent Weber". The signature is written in a cursive, slightly slanted style.

Clifford Kent Weber, Esq.
Registration No. 42,215



Please type a plus sign (+) inside this box → ☒

PTO/SB/21 (12-97)
Approved for use through 9/30/00. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	Not Known	
	Filing Date	Not Known	
	First Named Inventor	BRAINARD, George C.	
	Group Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	22	Attorney Docket Number	BRA01-P0003

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input checked="" type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Provisional Application Cover Sheet and Provisional Application, including specification
<input type="checkbox"/> Information Disclosure Statement	<input checked="" type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Clifford Kent Weber
Signature	<i>Clifford Kent Weber</i>
Date	August 28, 2000

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>	
Typed or printed name	
Signature	Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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BR GEO. 002

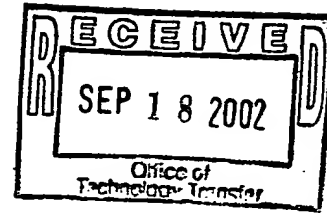
Provi

NIXON PEABODY LLP

ATTORNEYS AT LAW
Boston, MA 02110-1832
(617) 345-1000
Fax: (617) 345-1300

Direct Dial: (617) 345-6057
Direct Fax: (866) 743-2115
E-Mail: dresnick@nixonpeabody.com

September 18, 2002



*Comprise
Spread Sheet
for at O.R.
w/ our new assets*

Katherine Chou, Director
Technology Transfer
Thomas Jefferson University
1020 Locust Street
Suite M60
Philadelphia, PA 19107



CONFIDENTIAL

RE: Summary of Transferred Thomas Jefferson University Files

COPY

Dear Katherine:

Enclosed, please find a summary table of all the materials that you transferred to us. We have made comments in each case in the column entitled "Client Instructions" and where we ask your instructions and/or action from your part, where necessary.

Please make sure that you review the table carefully for accuracy of all the information and advise us if there are inaccuracies so that we may correct the information.

Please provide us with your instructions and/or materials and executed documents promptly to avoid missing deadlines and thereby accruing fees for unnecessary time extensions or revival of unintentionally abandoned applications. Also, be reminded that in PCT cases, we cannot communicate with the Office until we submit an executed Power of Attorney.

We have already sent you the Power of Attorney documents as well as Assignments for execution in all the cases that are currently active. In all the cases where we have files available, we have submitted a change of attorney address to the PTO so that the correspondence should be arriving to our office. However, if you receive communications from the PTO regarding to cases shown in the Table, please forward them to us promptly so that we can promptly take necessary action.

We will naturally keep you informed about the developments in each of the pending cases. In the mean time, if you have any questions concerning this list or any of the applications, please do not hesitate to contact us.

Very truly yours,
NIXON PEABODY LLP

[Signature]
David S. Resnick
Leena H. Karttunen

DSR/LHK
Enclosures

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OFFICE OF PETITIONS

Nixon Peabody LLP

Attorneys at Law

101 Federal Street
 Boston, Massachusetts 02110-1832
 (617) 345-1000

Fax: (617) 345-1300

PRIVILEGE AND CONFIDENTIALITY NOTICE

The information in this fax is intended for the named recipients only. It contains privileged and confidential matter. If you have received this fax in error, please notify us immediately by a collect telephone call to (617) 345-1000 and return the original to the sender by mail. We will reimburse you for postage. Do not disclose the contents to any ne. Thank you.

FAX

To:	Company	Fax #:	Telephone #:
1) Katherine Chou	Thomas Jefferson University	(215) 923-5835 (215) 503-6690	(215) 955-6862
2)			
3)			
4)			
5)			

INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY & CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

From: Leena H. Karttunen	Date: September 18, 2002	No. of Pages: 8 (including this page)
Comments:		

Original of the transmitted document will be sent by:

☐ First Class Mail☐ Overnight Mail☐ Hand Delivery☒ This transmission will be the only form of delivery of this document

IF YOU DO NOT RECEIVE ALL OF THESE PAGES, PLEASE CONTACT THE FAX OPERATOR AS SOON AS POSSIBLE AT: (617) 345-1246. THANK YOU.

CONFIRMATION: DATE SENT _____ TIME _____ BY _____

INTEROFFICE TO: ☐ Albany ☐ Boston ☐ Buffalo ☐ Garden City ☐ Hartford ☐ Manchester ☐ New York City
☐ Northern Virginia ☐ Orange County ☐ Providence ☐ Rochester ☐ San Francisco ☐ Washington

To:	Company	Fax #:	Telephone #:
1) Katherine Chou	Thomas Jefferson University	(215) 923-5835	(215) 955-6862
2)			
3)			
4)			
5)			

INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY & CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

From: Leena H. Karttunen	Date: September 18, 2002	No. of Pages: 8 (including this page)	Client/Matter: 003252-52910
User #: 8859	Ext: 1367	Disbursement Amount: \$	

Our Ref. No.	TJU Ref. No.	Serial No./ Filing Date	Inventor	Status	Client Instructions
003252-52890	FIS_EDW.003	60/333,053 11/14/01	Fisher et al.	PENDING - Convert by 11/14/02	Please provide us materials to prepare a patent application at your earliest convenience if you wish us to proceed because this provisional application is an <u>abstract only</u> and we will need some time to write the actual application.
003252-NOT OPEN	MAU01.P0002 (MAU01-DSC02) MAU01.ALA.002	60/169,448 12/7/99	Mauviel	ABANDONED - Utility filed on 12/7/00	-
003252-NOT OPEN	MAU01.NP002 MAU01.ALA.002	09/731,604 12/7/00	Mauviel	???- Missing Parts was due 8/21/01 - No indication in File that it was filed - Have executed documents, abandoned due to failure to respond to missing parts	Advise us if you wish to <u>revive</u> this application which has become abandoned due to failure to submit an executed oath and declaration.
003252-52900	NOT01.P0001 NOT01.URL.001	60/270,974 2/23/01	Noth et al.	ABANDONED - Utility filed 2/25/02	-
003252-52901	NOT01.NP001 NOT01.URL.001	10/082,636 2/25/02	Noth et al.	PENDING	We filed a Response to Missing Parts on 9/16/02 including the Declaration and fees for the required extension of time.
003252-52910	NOT01.P0002 NOT01.URL.002	60/270,977 2/23/01	Noth et al.	ABANDONED - Utility Filed 2/25/02	Please provide us an executed Power of Attorney at your earliest convenience.

105503627.1

003252-52911	NOT01-NP001 <i>NOT-Underway</i>	10/082,705 2/25/02	Noth et al.	PENDING	We filed a response to Missing Parts 8/22/02 including the Declaration and fees for the required extension of time. Please provide us an executed Power of Attorney at your earliest convenience.
003252-NOT OPEN	FIS02-P00001 <i>FIS_000.001</i>	60/161,537 10/26/99	Fisher et al.	ABANDONED - Utility and PCT filed 10/26/00	-
003252-NOT OPEN	FIS02-NP001 <i>FIS_000.001</i>	09/697,827 10/26/00	Fisher et al.	ABANDONED? - Restriction Requirement due 11/07/02 - client instructed not to respond.	-
003252-NOT OPEN	FIS02-PCT01 <i>FIS_000.001</i>	PCT/US00/29699 10/26/00	Fisher et al.	ABANDONED - 30 month deadline was 4/26/02	-
003252-52920	FIS02-P0002 <i>FIS_000.002</i>	60/276,557 3/16/01	Fisher et al.	ABANDONED - Utility and PCT might have been filed off of this, see 10/100,823 and PCT/US02/08487	The applications USSN 10/100,823 and PCT/US02/08487 (see below) look like they are based upon this provisional but as we do not have the filing documents we are not sure. Please provide us the complete files for the 10/100,823 and PCT/US02/08487 as soon as possible so that we can promptly

003252-52921	FIS02-CP101 FIS - ENU.001	10/100,823 3/18/2002	Fisher et al.	PENDING? we may need to file missing Declaration in order to secure the filing date	respond to any outstanding and upcoming communications from the Patent Office. Please let us know if you have filing documents relating to this matter as soon as possible because we may need to file missing Declaration in order to secure the filing date and not let this application become abandoned. We did not receive the filing documents although we did receive a Declaration and an Assignment executed by Dr. Fisher but not the other inventor, Dr. Kevi Jon Williams. We await for your instructions concerning this matter.
003252-52922	FIS02-PC201 FIS - ENU.001	PCT/US02/08487 3/18/2002	Fisher et al.	PENDING?	Please let us know if you have filing documents relating to this matter. We have received a Notification of Receipt of Search dated 7/6/2002.
003252-52960	BRA01-P002 BRA - G&O.002	60/203,308 5/10/00	Brainard	ABANDONED - Utility and PCT filed 5/10/01	
003252-52962	BRA01-PCT02 "	PCT/US01/15272 5/10/01	Brainard	PENDING - Preliminary examination report mailed 7/9/02	Please have a new Power of the Attorney executed at your earliest convenience.
003252-52961	BRA01-NP002 "	09/853,428 5/10/01	Brainard	PENDING - IDS due, we have not yet	1) Please provide us, at your earliest convenience, copies of

003252- NOT OPEN	BRA01-P0001 BRA - 666.001	60/228,493 8/28/00	Brainard	ABANDONED No record of Utility or PCT filings	received the first Office Action.	the relevant publications cited in this application so that we may timely file an Information Disclosure Statement (IDS). We are happy to order the documents for you if you so wish. If we file the IDS before mailing of the first Office action, no additional fees will be required. 2) Please have a new Power of the Attorney executed at your earliest convenience. Please advise us if US or PCT applications were filed based upon this application. We have not received such files and are therefore unaware of any such filings.
003252- 52980	IAC01-P0001 IAC - 002.001	60/228,931 8/30/00	Iacovitti and Kessler	ABANDONED - Utility and PCT filed 8/29/01		
003252- 52982	IAC01-PCT01 IAC - 002.001	PCT/US01/21897 8/29/01	Iacovitti and Kessler	ABANDONED - No Ch II demand filed timely. No evidence of national stage entry in designated countries.		
003252- 52981	IAC01-NP001 (1)	09/942,325 8/29/01	Iacovitti and Kessler	PENDING - IDS due, we have not received the first Office Action yet, not assigned	1) Please provide us at your earliest convenience copies of the relevant publications cited in this application so that we may timely file an Information	



NIXON PEABODY LLP

ATTORNEYS AT LAW

Boston, MA 02110-1832

(617) 345-1000

Fax: (617) 345-1300

Direct Dial: (617) 345-6057

Direct Fax: (866) 743-2115

E-Mail: dresnick@nixonpeabody.com

January 16, 2003

Katherine Chou, Director
Technology Transfer
Thomas Jefferson University
1020 Locust Street
Suite M60
Philadelphia, PA 19107

RE: Attorney's Docket No.: 003252-52961
Your Ref. No.: BRA GEO.002
US Serial No.: 09/853,428
Filed: May 10, 2001
Title: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION
PHOTOGRAPHY

CONFIDENTIAL
COPY
(F) and Phase
BRA-GEO.002
OK long
1/21/03

Dear Katherine:

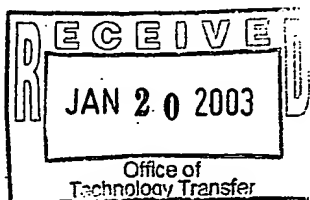
Further to our letter of December 31, 2002, enclosed please find a copy of the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. Section 1.137(b). Please note that we will hold off filing the petition to add Gena Glickman as an inventor until we receive notice from the PTO that the abandonment has been rescinded.

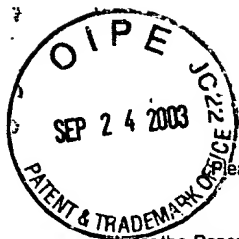
As always, please feel free to contact us with questions or comments concerning this matter.

Very truly yours,
NIXON PEABODY LLP


David S. Resnick

DSR/nmg
Enclosure





BRA-680.002

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/853,428
Filing Date	05/10/2001
First Named Inventor	George Brainard
Group Art Unit	3739
Examiner Name	Roy Dean Gibson
Attorney Docket Number	003252-052961

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

- ☒ Fee Transmittal Form
☒ Fee Attached
☐ Amendment / Reply
☐ After Final
☐ Affidavits/declaration(s)
☐ Extension of Time Request
☐ Express Abandonment Request
☐ Information Disclosure Statement
☐ Certified Copy of Priority Document(s)
☐ Response to Missing Parts/Incomplete Application
☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
☐ Drawing(s)
☐ Licensing-related Papers
☒ Petition
☐ Petition to Convert to a Provisional Application
☐ Power of Attorney, Revocation Change of Correspondence Address
☐ Terminal Disclaimer
☐ Request for Refund
☐ CD, Number of CD(s) _____

- ☐ After Allowance Communication to Group
☐ Appeal Communication to Board of Appeals and Interferences
☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
☐ Proprietary Information
☐ Status Letter
☐ Other Enclosure(s) (please identify below):
Petition to Revive Application for Patent Abandoned Unintentionally; Check - \$620.00; Duplicate Copy (Charge to Deposit Account for \$30.00); Cert. of Mail; Return Receipt Postcard.

Remarks

The Commissioner is authorized to charge deficiencies to the NIXON PEABODY Deposit Account No. 50-0850.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENTFirm
or
Individual nameDavid S. Resnick (Reg. No. 34,235)
NIXON PEABODY LLP, 101 Federal Street, Boston, MA 02110

Signature

Date

11/15/03

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 11/15/2003

Typed or printed name

Nicole M. Gignac

Signature

Date

11/15/2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/17 (01-03)
Approved for use through 04/30/2003. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE



Docket No. 003252-052961

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: George Brainard
Serial No.: 09/853,428
Filed: May 10, 2001
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

Group: 3739
Examiner: Roy Dean Gibson

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a) and 1.10)

I hereby certify that this correspondence:

1. Transmittal Form (1 pg.);
2. Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. Section 1.137(b) (2 pp.);
3. Duplicate Copy for Charging Deposit Account: Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. Section 1.137(b) (2 pp.);
4. Check - \$620.00;
5. Fee Transmittal (1 pg.);
6. Return Receipt Postcard;

is on the date shown below being:

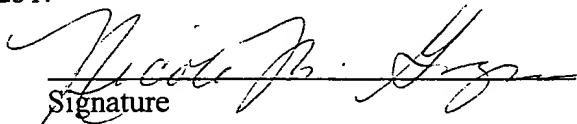
MAILING

X deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to BOX DAC Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

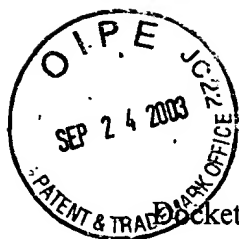
transmitted by facsimile to the Patent and Trademark Office.

Date: January 15, 2003


Signature

Nicole M. Gignac
(type or print name of person certifying)

CONFIDENTIAL
COPY



Packet No. 003252-052961

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: George Brainard
Serial No.: 09/853,428
Filed: May 10, 2001
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

Group: 3739
Examiner: Roy Dean Gibson

CERTIFICATE OF MAILING (37 C.F.R. SECTION 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Box DAC, Assistant Commissioner for Patents, Washington, D.C. 20231.

11/15/2003
Date

Nicole M. Gignac

type or print name of person mailing paper

Nicole M. Gignac
signature of person mailing paper

Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

ATTENTION:

Petition Information
Crystal Park One, Suite 520
(M.P.E.P. Section 1002.02(b), 7th ed.)

PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY
UNDER 37 C.F.R. SECTION 1.137(b)

1. This application became abandoned on 12/10/2002.
2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of the petition was unintentional. 37 C.F.R. Section 1.137(b)(3).
3. Response or action required
 - ☐ has been filed;
 - ☐ is attached;
 - ☒ Per the Notice of Abandonment mailed 12/10/2002, please note that the 06 June 2002 Office Letter, which has initiated the abandonment, has not been received by the Applicant. Therefore, no response has been filed or is attached.

Applicants: George Brainard
Serial No.: 09/853,428
Filed: May 10, 2001
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY
Group: 3739
Examiner: Roy Dean Gibson

(complete the following, if applicable)

☐ The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application copending with this application.

4. Fee (37 C.F.R. 1.17(m))

☒ Small business entity-fee \$650.00.

5. Payment of fee

☒ Enclosed please find check for \$620.00 .

☒ Charge Account 50-0850 for any additional fee required. *For deficiencies.*

☒ Charge Account 50-0850 remaining sum of \$30.00 - a duplicate of this petition is attached.

(complete the following, if applicable)

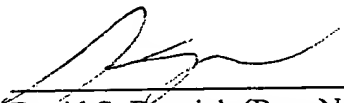
☐ Because this petition is more than 3 months after the date the Office first notified the applicant that the application is abandoned, applicant additionally submits a showing as to how the delay between the date the applicant was first notified that the application is abandoned and the filing of this petition under 37 C.F.R. Section 1.134(b) was unintentional. 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).

☐ Because this petition is more than 1 year after the date of abandonment of the application, applicant additionally submits further information as to when applicant (or applicant's representative) first became aware of the abandonment of the application, and a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant (or applicant's representative). 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).

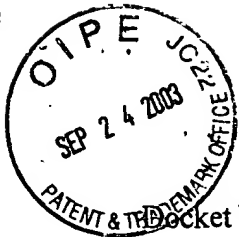
Date: 1/15/03

Customer No.: 26770

Respectfully submitted,



David S. Resnick (Reg. No. 34,235)
NIXON PEABODY LLP
101 Federal Street
Boston, MA 02110
(617) 345-6057



Docket No. 003252-052961

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: George Brainard
Serial No.: 09/853,428
Filed: May 10, 2001
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY

Group: 3739
Examiner: Roy Dean Gibson

CERTIFICATE OF MAILING (37 C.F.R. SECTION 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Box DAC, Assistant Commissioner for Patents, Washington, D.C. 20231.

11/15/2003
Date

Nicole M. Gignac
type or print name of person mailing paper

Nicole M. Gignac
signature of person mailing paper

Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

ATTENTION:

Petition Information
Crystal Park One, Suite 520
(M.P.E.P. Section 1002.02(b), 7th ed.)

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FOR PATENT ABANDONED UNINTENTIONALLY
UNDER 37 C.F.R. SECTION 1.137(b)

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2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of the petition was unintentional. 37 C.F.R. Section 1.137(b)(3).
3. Response or action required
 - ☐ has been filed;
 - ☐ is attached;
 - ☒ Per the Notice of Abandonment mailed 12/10/2002, please note that the 06 June 2002 Office Letter, which has initiated the abandonment, has not been received by the Applicant. Therefore, no response has been filed or is attached.

COPY

Applicants: George Brainard
Serial No.: 09/853,428
Filed: May 10, 2001
For: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION AND PHOTOTHERAPY
Group: 3739
Examiner: Roy Dean Gibson

(complete the following, if applicable)

- ☐ The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application copending with this application.

4. Fee (37 C.F.R. 1.17(m))

☒ Small business entity-fee \$650.00.

5. Payment of fee

- ☒ Enclosed please find check for \$620.00 .
☒ Charge Account 50-0850 for any additional fee required. *For deficiencies.*
☒ Charge Account 50-0850 remaining sum of \$30.00 - a duplicate of this petition is attached.

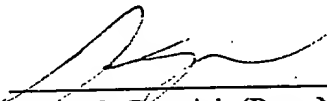
(complete the following, if applicable)

- ☐ Because this petition is more than 3 months after the date the Office first notified the applicant that the application is abandoned, applicant additionally submits a showing as to how the delay between the date the applicant was first notified that the application is abandoned and the filing of this petition under 37 C.F.R. Section 1.134(b) was unintentional. 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).
- ☐ Because this petition is more than 1 year after the date of abandonment of the application, applicant additionally submits further information as to when applicant (or applicant's representative) first became aware of the abandonment of the application, and a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant (or applicant's representative). 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).

Date: 1/15/03

Customer No.: 26770

Respectfully submitted,


David S. Resnick (Reg. No. 34,235)
NIXON PEABODY LLP
101 Federal Street
Boston, MA 02110
(617) 345-6057

COPY



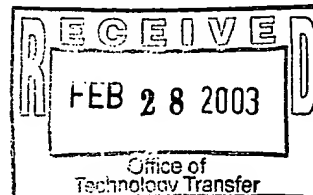
NIXON PEABODY LLP

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Direct Fax: (866) 743-2115
E-Mail: dresnick@nixonpeabody.com

February 27, 2003

Katherine Chou, Director
Technology Transfer
Thomas Jefferson University
1020 Locust Street
Suite M60
Philadelphia, PA 19107



BRA-geo.002
Respond
Find base
KC !

RE: Attorney's Docket No.: 003252-52961
Your Ref. No.: BRA-geo.002
US Serial No.: 09/853,428
Filed: May 10, 2001
Title: PHOTORECEPTOR SYSTEM FOR MELATONIN REGULATION
PHOTOGRAPHY

Dear Katherine:

Enclosed please find an Office Action that we have received from the U.S. Patent and Trademark Office in the above-identified application.

You will note that the Examiner has examined claims 1 – 19, a copy of which are attached hereto, and has taken the position that the claims lack novelty under 35 U.S.C. § 102.

By copy of this letter to Drs. Brainard and Glickman, we ask that you please review the Office Action and cited references. For your convenience, we have flagged the section in each noted by the Examiner. Additionally, on the cover sheet of each patent we have noted the claims rejected by the Examiner.

We look forward to your comments and instructions to proceed. After you have had a chance to review this material please give me a call to discuss how to proceed. In the meantime, feel free to contact us with questions or comments concerning this matter.

Very truly yours,
NIXON PEABODY LLP

David S. Resnick

COPY

DSR/nmg
Enclosure: Office Action & Pending Claims
cc/George Brainard (w/Office Action & References & Pending Claims)
Gena Glickman (w/Office Action & Pending Claims)

**CONFIDENTIAL
RECEIVED**

SEP 26 2003

B1236772.1

WHAT IS CLAIMED IS:

1. A method of treating or preventing a light responsive disorder in a mammal,
5 comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system emits a balance of wavelengths to stimulate a circadian, photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from 425 –505 nm.
- 10 2. The method of **Claim 1**, wherein said light responsive disorder is at least one of the group of seasonal affective disorder (SAD), a sleep disorder, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.
- 15 3. A method of treating a light responsive disorder in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system excludes emission of a balance of wavelengths to stimulate a circadian, photoneural, or neuroendocrine
20 system of said mammal, said balance of wavelengths having a peak sensitivity ranging from 425 –505 nm.
- 25 4. The method of **Claim 3**, wherein said light responsive disorder is at least one of the group of seasonal affective disorder (SAD), a sleep disorder, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or
performance deficits, hormone-sensitive cancers, or cardiovascular disorders.
- 30 5. A light system, comprising at least one light source, said light source emitting a balance of wavelengths to stimulate a mammalian circadian, photoneural, or neuroendocrine system, said balance of wavelengths having a peak sensitivity ranging from 425 –505 nm.

6. A light system, comprising at least one light source, said light source excluding emission of a balance of wavelengths to stimulate a mammalian circadian, photoneural, or neuroendocrine system, said balance of wavelengths having a peak sensitivity ranging from 425 –505 nm.
7. A transparent composition, comprising at least one light filtering component, said light filtering component specifically transmitting a balance of wavelengths for stimulating a mammalian circadian, photoneural, or neuroendocrine system, said balance of wavelengths having a peak transmittance ranging from 425 –505 nm.
8. A translucent composition, comprising at least one light filtering component, said light filtering component specifically transmitting a balance of wavelengths for stimulating a mammalian circadian, photoneural, or neuroendocrine system, said balance of wavelengths having a peak transmittance ranging from 425 –505 nm.
9. A transparent composition, comprising at least one light filtering component, said light filtering component specifically blocking a balance of wavelengths for stimulating a mammalian circadian, photoneural, or neuroendocrine system, said balance of wavelengths having a peak sensitivity ranging from 425 –505 nm.
10. A translucent composition, comprising at least one light filtering component, said light filtering component specifically blocking a balance of wavelengths for stimulating a mammalian circadian, photoneural, or neuroendocrine system, said balance of wavelengths having a peak sensitivity ranging from 425 –505 nm.
11. A method of treating a light responsive disorder in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system comprises at least one light source and at least one transparent material component, said light source emitting light through said transparent material component, said transparent material component comprising at least one light filtering component, said light filtering component specifically transmitting a balance of wavelengths to stimulate a circadian,

photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from 425 –505 nm.

- 5 **12.** The method of **Claim 11**, wherein said light responsive disorder is at least one of the group of seasonal affective disorder (SAD), a sleep disorder, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.
- 10 **13.** A method of treating a light responsive disorder in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system comprises at least one light source and at least one translucent material component, said light source emitting light through said translucent material component, said translucent material
- 15 component comprising at least one light filtering component, said light filtering component specifically transmitting a balance of wavelengths to stimulate a circadian, photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from 425 –505 nm.
- 20 **14.** The method of **Claim 13**, wherein said light responsive disorder is at least one of the group of seasonal affective disorder (SAD), a sleep disorder, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.
- 25 **15.** A method of treating a light responsive disorder in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system comprises at least one light source and at least one transparent material component, said light source emitting light through said transparent material component, said transparent material
- 30 component comprising at least one light filtering component, said light filtering component specifically blocking a balance of wavelengths to stimulate a circadian, photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from 425 –505 nm.

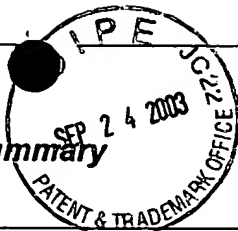
16. The method of **Claim 15**, wherein said light responsive disorder is at least one of the group of seasonal affective disorder (SAD), a sleep disorder, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

17. A method of treating a light responsive disorder in a mammal, comprising administration of a therapeutically effective amount of light to said mammal, said light being generated by a light system, wherein said light system comprises at least one light source and at least one translucent material component, said light source emitting light through said translucent material component, said translucent material component comprising at least one light filtering component, said light filtering component specifically blocking a balance of wavelengths to stimulate a circadian, photoneural, or neuroendocrine system of said mammal, said balance of wavelengths having a peak sensitivity ranging from 425 –5055 nm.

18. The method of **Claim 17**, wherein said light responsive disorder is at least one of the group of seasonal affective disorder (SAD), a sleep disorder, circadian disruption, eating disorders, menstrual cycle disorders, non-specific alerting or performance deficits, hormone-sensitive cancers, or cardiovascular disorders.

19. A light meter system for quantifying light which stimulates a mammalian circadian, photoneural, or neuroendocrine system under normal conditions or which provides light therapy, said light meter system comprising at least one light metering device configured to match wavelength sensitivity of mammalian photoreceptors for circadian and neuroendocrine regulation, said wavelength having a peak sensitivity ranging from 425-505 nm.

Office Action Summary



Application No.

09/853,428

Applicant(s)

BRAINARD, GEORGE

Examiner

Roy D. Gibson

Art Unit

3739

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

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- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 3-4 and 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear how the method of treating a light responsive disorder can be claimed both as an the exposure of the light and independently as a blocking of the same light. The specification teaches a sequence of both.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Waldman (5,447,527). Waldman discloses a method of treating a light responsive disorder (SAD) comprising:

administering a therapeutically effective amount of light to the patient, the light being generated by a light system (lamp # 4 with filter # 7) the filter transmitting in the range 490-520 nm, which overlaps the range of 425-505 nm (col. 1, lines 11-22, col. 1,

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line 64-col. 2, line 19, col. 3, lines 1-23 and col. 4, line 33-41). Note that the filter could be transparent or translucent depending upon the thickness of the coating material(s).

Claims 6, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujishima et al. (5,855,595) who disclose a tumor treatment apparatus with a light source and a filter which blocks the wavelength range of 400-700 nm (Figures 1 and 4 and col. 1, lines 21-46).

Claims 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Girerd (5,083,858). Girerd discloses a transparent or translucent composition (depending upon the thickness of the layers) comprising at least one filtering component which transmits a balance of wavelengths having a peak transmittance ranging from 425-505 nm (peak @ 493 nm and col. 10, lines 31-65, col. 11, line 36-col. 12, line 34 or col. 12, line 55-col. 13, line 33).

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Hegyi (5,235,178). Hegyi discloses a light sensor with diffuser whereby the electrical output signal is representative of a response characteristic applied to the input light which corresponds to that of a human eye or is equivalent to a light meter system comprising a light metering device configured to match wavelength sensitivity of the human eye (col. 4, line 1-col. 5, line 20).

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A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Goldman (5,923,398). Goldman discloses a method of treating a light responsive disorder (circadian disruption) comprising:

administering a therapeutically effective amount of light to the patient, the light being generated by a light system (LEDs emitting in the range of 500-560 nm, which overlaps the range of 425-505 nm) to stimulate a circadian system (col. 1, lines 20-45, col. 1, line 65-col. 2, lines 9, and col. 5, lines 18-30).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dial (5,824,024) discloses an illumination device for treating light deficiency and mood disorders that reads on claims 1 and 2; Cole (4,858,609) discloses a bright light mask that reads on claims 1 and 2; Czeisler et al. (5,545,192) disclose use of light to modify the circadian phase; Lopez-Claros (5,562,719) discloses a

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light therapy method and apparatus for treating SAD; and Gerdt (6,235,046) discloses a passive photonic eye delivers system for chronotherapy.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roy D. Gibson whose telephone number is 703-308-3520. The examiner can normally be reached on M-F, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on 703-308-0994. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0873.

May 31, 2002


Roy Gibson
Primary Examiner
Art Unit 3739